

Senate Bill 228
Tuesday, January 20, 2009
Presented by Chris Smith
Senate Fish and Game Committee

Mr. Chairman and members of the committee, I am Chris Smith, Deputy Director of Fish, Wildlife and Parks (FWP). I am here today to express FWP's concerns with, and opposition to, SB 228.

In 2003, the legislature adopted HB 262, without opposition from FWP. That bill, codified as 87-1-217, provided broad policy direction to FWP for managing bears, mountain lions and wolves and articulated three primary goals: preservation of opportunities to hunt large game; protection of humans, livestock and pets; and preservation of the safety of the public working and recreating in the outdoors.

To the extent possible, FWP has implemented that policy direction. We have undertaken both proactive and reactive measures to reduce the risk of human conflict with bears, lions and wolves. We, and USDA APHIS Wildlife Services at our direction, have removed hundreds of bears, lions and wolves across the state that have threatened people or depredated on livestock. We maintain a "zero tolerance" policy for mountain lions in urban areas. We use aversive conditioning, relocation and lethal removal for black and grizzly bears. We have removed hundreds of wolves, issued special permits to allow livestock producers to take wolves that threaten their animals and supported relaxed federal rules in southern Montana that give producers greater authority to take wolves in defense of their property.

FWP believes HB 262 provided the appropriate level of policy direction with respect to predator management. By articulating three primary goals, without dictating any specific priority among those goals, 87-1-217 provides the discretion necessary to address the various realities faced in managing 4 large predator species across a landscape as diverse as Montana.

Clearly, protecting human life and safety will always be the highest priority in the context of proximate interactions between people and large predators. Protecting livestock and pets is also a priority in settings where depredation may occur. But how would the proposed change in 87-1-217 outlined in Section 1 of SB 228 apply to remote areas of the state where human interactions with large predators is rare, but the impact of these species on prey populations could be affecting the harvestable surplus for hunting? FWP believes the current law gives the direction necessary, without creating additional potential for unproductive arguments about which of the three primary goals is "more important" in any given situation.

New subsection (4) is unnecessary and redundant. Other statutes and FWP's federally approved Wolf Conservation and Management Plan clearly provide that FWP can and will use lethal means to remove wolves involved in livestock depredation. FWP has regularly removed both individual wolves and whole packs where necessary to resolve conflicts and will continue to do so under current authority.

New subsection (3)(b) of Section 2 in SB 228 is also unnecessary and conflicts with one of the important, and time-proven elements of FWP's efforts to manage human-wildlife conflict. This proposed change in the law is not needed, again because FWP's federally-approved wolf management plan includes a provision for issuance of kill permits. (FWP regularly issues kill permits for other species such as elk or deer, so this approach is not unique to large predator management.)

Because it can be difficult to ensure that any management action taken to resolve livestock depredation is targeting the offending animal, one of the core principles of FWP's management response is to link management actions as close in time and space to the depredation incident. We do not go out and randomly remove bears, lions or wolves from the general area where depredation occurs; we work closely with professionals from Wildlife Services and affected landowners to focus removal efforts on the individuals that are causing problems.

For this reason, kill permits are issued for a specific geographic area and for a defined period of time. For wolves, that timeframe is 45 days from any confirmed depredation. FWP and WS efforts to remove wolves are often successful within less than 6 weeks of an incident, so 45 days is an appropriate length of time for a kill permit to be valid. If there are further incidents of predation during or after the permit is issued, the permit can be extended or renewed, but no permit issued by FWP to kill any animal, for depredation control or hunting, remains valid until filled. Under the language of SB 228, a permit that is literally years old could be used to take an animal that has not been involved in conflict, or even if livestock are no longer even present on the property.

The legislature provided clear and adequate policy guidance to FWP for management of large predators in 2003. We have worked with landowners and other citizens to implement this direction in ways that meet the goals of 87-1-217 and also assure continued sound professional wildlife management. Importantly, the U.S. Fish and Wildlife Service (FWS) carefully considered the meaning and implementation of 87-1-217 while formulating the recently announced delisting rule for wolves in the Northern Rocky Mountains. Changes to the law, like those proposed in SB 228 at a minimum could force the FWS to delay publication of the rule, now scheduled for January 27, and would certainly be used by plaintiffs in their legal arguments challenging delisting.

SB 228 proposes unnecessary changes and introduces unnecessary risks to Montana's efforts to wrest control of wolves from under the Endangered Species Act. FWP urges the committee to table this bill.

Thank you.